

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	
)	Case No. 1:17-cr-70
v.)	
)	Judge Travis R. McDonough
JAMES JOHNSON)	
)	Magistrate Judge Christopher H. Steger
)	

ORDER

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation [Doc. 104] recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to a lesser included offense of Count One of the Indictment; (2) accept Defendant's guilty plea to a lesser included offense of Count One of the Indictment; (3) adjudicate Defendant guilty of conspiracy to distribute 500 grams or more of a substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) and 846; and (4) order that Defendant remain out of custody subject to the Order Setting Conditions of Release [Doc. 35] until further order of the Court or sentencing in this matter. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 104] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to a lesser included offense of Count One of the Indictment is **GRANTED**;

2. Defendant's plea of guilty to a lesser included offense of Count One of the Indictment is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of conspiracy to distribute 500 grams or more of a substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846; and
4. Defendant **SHALL REMAIN** out of custody subject to the Order Setting Conditions of Release [Doc. 35] until further order of this Court or sentencing in this matter which is scheduled to take place on January 12, 2018 at 2:00 p.m. before the undersigned.

SO ORDERED.

/s/Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**